



# Washington State Department of Agriculture *News Release*

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WASHINGTON STATE DEPARTMENT OF AGRICULTURE  
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## **Agriculture Department takes 4th quarter enforcement actions for pesticide violations**

**OLYMPIA** – During the fourth quarter of 2003, the state Department of Agriculture (WSDA) took enforcement action against 13 individuals and one company for violating state pesticide laws and rules. Fines ranging from \$300 to \$1,800 and license suspensions ranging from three to 14 days were issued for violations that included not following pesticide label directions, allowing pesticide to drift onto a person or property, and selling restricted-use pesticides to unlicensed applicators.

WSDA also obtained an injunction in Grant County Superior Court against one of the individuals, an aerial applicator who operated without a license, and reached an agreement with an orchardist to modify his pesticide application equipment in lieu of paying a fine.

All three enforcement actions against western Washington individuals involved inspection of houses for wood destroying organisms, such as carpenter ants and wood rot.

A penalty matrix is used to ensure penalties are uniform and fair. The matrix takes into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved.

WSDA enforces state and federal laws to protect people, property and the environment against the improper use of pesticides. Staff also provides technical assistance to the pesticide industry and consumers, and enforces the rules on structural inspections for wood destroying organisms. About 225 allegations of improper distribution or misuse of pesticides, or faulty structural inspections are investigated each year.

To file a complaint involving the misuse of a pesticide, or to find out if a pesticide applicator or structural pest inspector is licensed, call (877) 301-4555.

**John A. DeSoto**, Home Check Inspection, Tacoma. DeSoto was not licensed with WSDA when he conducted a wood destroying organism inspection on a Puyallup house in October 2001. He also failed to submit his inspection records when requested by WSDA. DeSoto was fined \$500 and his structural pest inspector license was suspended for nine days.

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**Major Dhaliwal**, private applicator, Omak. WSDA alleged that in the spring and summer of 2002 employees made airblast applications of insecticides to Dhaliwal's orchard. The insecticides drifted off-target, exposing a family living nearby. Some family members became ill from the exposure. The matter was resolved when Dhaliwal agreed to modify his sprayer with drift reduction nozzles in lieu of paying a fine.

**Fred E. Ellis**, former president and commercial applicator for Paratex American Pest Management, Aberdeen. WSDA alleged that, in December 2001, Ellis conducted an inadequate wood destroying organism inspection on a house in Westport. The matter was resolved when, without any admission of wrongdoing, Ellis agreed to pay \$300.

**Lee C. Gale**, private applicator, Malaga. In late March 2003, an employee, **Alfonzo Mata**, applied insecticide to Gale's cherry orchard, located within 300 feet of the Columbia River. Endangered salmon species are known to be present in the river, and the product label does not allow applications that close to water bodies. Other complaints included the failure of Gale and Mata to contact the Washington Department of Fish and Wildlife prior to making the application as required by the pesticide label. Gale's pesticide application records were also inadequate. Gale received a nine-day suspension of his license. Mata had his license suspended for three days.

**George G. Guttman**, Sound Home Inspections, Inc., Seattle. WSDA alleged that, in October 2002, Guttman conducted an inadequate wood destroying organism inspection on a house in Anacortes. The matter was settled with Guttman agreeing to a 14-day suspension of his structural pest inspector license.

**Cenex Harvest States Cooperatives**, Othello. WSDA alleged that Cenex sold restricted-use pesticides to unlicensed applicators and failed to submit distribution records requested by WSDA. The matter was resolved with Cenex agreeing to pay \$600.

**James R. Keller**, private applicator, Tieton. Keller failed to submit pesticide application records when requested by WSDA. He was fined \$300 and his private applicator license was suspended for 3 days.

**Randy L. Ledoux**, commercial operator for Green Baron, Inc., Yakima. WSDA alleged that Ledoux made a landscape insecticide application that drifted onto a neighbor's house. The neighbor allegedly became ill from exposure to the pesticide. The matter was settled when Ledoux agreed to a five-day license suspension and to pay \$350.

**Ronald R. Mitzel**, commercial pesticide operator for Flite Level Zero, Inc., Othello. WSDA alleged that an aerial herbicide application made by Mitzel drifted off-target and damaged an adjacent winter wheat field. The matter was settled when Mitzel agreed to a four-day license suspension and to pay \$450.

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**Phil M. Pearson**, aerial applicator operating out of Grant County. Pearson was fined \$1,800 for operating without a commercial applicator license. The agency also received a Grant County Superior Court order prohibiting Pearson from performing commercial pesticide work until he is licensed.

**Jeremy J. Razey**, commercial operator for Martin's Farming, Moses Lake. Razey was fined \$450 and his license was suspended for seven days. Razey failed to wear the personal protective equipment required by the label when he applied a soil fumigant.

**Raymond C. Schmitten**, private applicator and commercial pest control consultant, Cashmere. Schmitten's employee, **Antonio Maldonado**, applied an insecticide within 300 feet of the Wenatchee River. Endangered salmon species are known to be present in the river, and the product label does not allow applications that close to water bodies. Additionally, neither Schmitten nor Maldonado contacted the Washington Department of Fish and Wildlife prior to making the application as required by the pesticide label. Schmitten received a nine-day suspension of his private applicator license. Maldonado had his license suspended for three days.

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